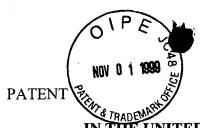
GJ3783



N THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner: C. RODRIGUEZ

Group Art Unit: 3763

I HEREBY CERTIFY THAT THIS CUSPIESPON IS BEING DEPOSITED WITH THE U.S. POS SERVICE AS FIRST CLASS MAIL IN AN ENVI

10-20-9

In re application of: MIDDLEMAN et al.

U.S. Serial Number: 09/123,614

Filed: July 28, 1998

For: DEVICE FOR ANCHORING TUBULAR

ELEMENT

RESPONSE TO ELECTION REQUIREMENT

Assistant Commissioner for Patents Washington, DC 20231

Dear Sir:

This election is responsive to the Office Action dated September 27, 1999 is string a election/restriction requirement in the above-identified application.

REMARKS

Applicant traverses the election of a species restriction on the grounds that generic claim 1 includes sufficiently few species that a search and examination of the species identified in the Office Action, i.e. species A-F, would not impose a serious burden on the examiner.

Notwithstanding this objection to the election requirement, applicant elects species B (Figure 5) for initial examination on the merits. Applicant identifies claims 1-15 and 22 as being readable on elected species B.

Applicant further requests that species A and C-F, be rejoined in the present application when a generic claim is allowable.